

MINUTES OF PUBLIC MEETING

Arizona Game and Fish Commission
Appointment Recommendation Board
5000 W. Carefree Highway
Phoenix, AZ 85086

PRESENT: (Board Members)

Phillip D. Townsend, Chair
Susan E. Chilton
W. Hays Gilstrap
Donald R. Johnson
William J. Lane

TUESDAY, OCTOBER 29, 2013

(Directors Staff)

Linda Pollock, Assistant Attorney General

Chairman Phil Townsend called the meeting to order at 9:00 a.m. This meeting followed an agenda dated September 23, 2013.

1. Welcome and Introductions of the Arizona Game and Fish Commission Appointment Recommendation Board.

The Board members introduced themselves: Don Johnson of Gold Canyon, Susan Chilton of Arivaca, Phil Townsend of Yuma, Hays Gilstrap of Phoenix and William "Jim" Lane of Scottsdale.

The staff introduced themselves: Linda Pollock, Assistant Attorney General; Deborah Carter, Secretary to the Board; Bill Andres, Public Information Office.

Don Martin - applicant, Sandy Bahr - Director of the Sierra Club's Grand Canyon Chapter and Steve Clark were in the audience.

2. Nomination and Selection of Chairperson

MOTION: Hays Gilstrap moved and Sue Chilton seconded THAT THE BOARD NOMINATE THE CURRENT CHAIRPERSON PHILLIP TOWNSEND.

VOTE: Unanimous

3. Overview of the Role and Conduct of Boards and Commissions under Arizona Law

Presenter: Linda Pollock, Assistant Attorney General

Assistant Attorney General Linda Pollock reviewed with the Board the Arizona Open Meetings Law and the Public Records Law. She verified that each Board member had a copy of the Statement of Operating Procedures as well as the Arizona Game and Fish Department's Mission Statement. Ms. Pollock stated that the Board is subject to the Arizona Open Meeting Law and

that all of their official deliberations, proceedings regarding the candidate's qualifications and nominations for the Governor's recommendation should be conducted in an open meeting. The definition of an Open Meeting is a gathering in person or a gathering through technological devices of a quorum of the Board, where you discuss, propose or take legal action. The Legislature added technological devices to prohibit quorums by communication through cell phones, emails or twitters. For that reason, her office recommends that following today's meeting the Board not have any personal contact with any candidate selected for interview at the November 8th meeting. It is perfectly acceptable for the Board to receive recommendations such as letters or phone calls from the general public. If a recommendation comes to them in written form, they are not to forward it to fellow Board members but to the Board's Secretary, who will then distribute it promptly to the other Board members. This will help prevent an inadvertent violation of the Open Meeting Law.

Chairman Townsend had a question for Ms. Pollock, asking if it was acceptable to socially interact with people on this list as long as they don't discuss the proceedings. Linda Pollock responded that it was acceptable. She clarified that if a Board member does have social interaction with someone selected for interview, disclose that contact on the record at the November 8th meeting, emphasizing that the contact will not influence their objectivity or impartiality in nominating candidates.

Mr. Gilstrap asked Ms. Pollock to clarify how they are to respond if a telephone call is received from an applicant between now and November 8th. Linda Pollock replied that the better practice is to not engage in a discussion with that person regarding the official activities of the Board, but to recommend that the candidate express his thoughts in a written form, which would then be directed to the Board's Secretary. Hays Gilstrap asked if it was acceptable to receive a recommendation on behalf of a candidate. Linda Pollock agreed that they could receive recommendations from the public at any time and they should be forwarded to the Secretary for distribution, reiterating that they do not forward to other Board members.

Mr. Johnson verified with Ms. Pollock that it was acceptable for individual Board members to make inquiries regarding candidate's qualifications by way of people in their communities or following up on reference letters.

In conclusion, Assistant Attorney General Linda Pollock reminded the Board that it is also governed by the Arizona Public Records Law and any written communications received regarding the candidates are public record and need to be forwarded to the Secretary to be maintained in the state's files for public disclosure. Additionally, all notes taken by the Board members during deliberations are considered public records. At the end of the meeting the Board members should give all notes and score-sheets from the meetings to the Board's Secretary.

4. Discussion and Deliberation of Board Process and Procedures, Including the Process for Evaluating Applicants.

Susan Chilton recommended they consider following the procedure used in previous years. The Chairman would read the names of the applicants in alphabetical order and on the first reading, if one member of the Board says "further consideration" that name would go on the list for the

second reading. On the second reading, two Board members would need to say “further consideration”. From the list derived after the second reading, they would have a motion for the interview session and would then invite the candidates that made it through the second reading to attend the interview session.

MOTION: Susan Chilton moved and Don Johnson seconded THIS WILL BE THE PROCEDURE THE BOARD WILL USE: Upon the first reading of the applicant list, one Board member must say “further consideration” to advance that applicant. On the second read-through, two Board members must say “further consideration”. Those applicants that remain after the second reading will be invited for interview.

VOTE: Unanimous

5. Disclosures and Recusals

Chairman Townsend explained that oftentimes in communities such as ours the Board will be acquainted with people that have applied for these positions. While that is not a reason for recusal it should be disclosed. The only reasons for recusal are if you have a financial or familial tie to the applicant that would make it difficult to be impartial. Phil asked Assistant Attorney General Linda Pollock if that was correct.

Ms. Pollock replied that the Arizona Conflict of Interest Laws has two aspects. The first is determining if any Board member has a pecuniary or proprietary interest in the selection of candidates. The second is avoiding the appearance of impropriety. If your familiarity with any one of the candidates would influence your objective and impartial analysis of that candidate’s qualifications, you should disclose that fact on the record and recuse yourself from voting for that candidate.

Chairman Phil Townsend had two disclosures. He is friends with both James Ammons and James Carruthers but in no way would that friendship interfere with his ability to make a decision. Mr. Townsend does not feel that he needs to be recused.

Don Johnson stated that he is familiar with James Ammons and Don Martin from events in the field and conservation events. Don does not feel that his relationship with either one would impact his ability to make an objective decision.

Susan Chilton is aware of two of the individuals. Matt Magoffin is an acquaintance and she knows Zach Taylor from events they have jointly participated in and organizations they both belong to. Sue does not feel that either of these acquaintances would interfere with the judgment needed for this decision.

Hays Gilstrap knows James Ammons, Don Martin and James Carruthers, having worked with them in various capacities, but feels it will have no effect upon his decision-making process.

Jim Lane stated that he has is not acquainted with any of the candidates.

6. Review and Selection of Applicants for Interview.

Presenter: Chairman Phil Townsend

After the first read-through of the applicant list, the results were as follows:

Nathan Alberty	
James Ammons	(Sue Chilton)
Michael Barraclough	(Sue Chilton)
Lee Blake	
Frank Buckingham	
James Carruthers	(Phil Townsend)
Michael Crockett	(Don Johnson)
Ricky Darren	
Jody Fanning	
William Ferguson	(Hays Gilstrap)
Ben File	
Gary Giordano	
Lynn Godfrey	(Sue Chilton)
James Hallsted	(Jim Lane)
Matthew Magoffin	(Sue Chilton)
William Donald Martin	(Don Johnson) (Sue Chilton)
Steven Moss	(Sue Chilton)
Jeffery Perry	
James Pfeifer	
Mathew Tanner	(Jim Lane)
George Taylor	(Sue Chilton)

After the second read-through, the votes were as follows:

James Ammons	(Don Johnson) (Jim Lane) (Sue Chilton)
Michael Barraclough	(Hays Gilstrap)
James Carruthers	(Phil Townsend) (Don Johnson)
Michael Crockett	
William Ferguson	(Hays Gilstrap)
Lynn Godfrey	(Sue Chilton) (Phil Townsend)
James Hallsted	(Jim Lane)
Matthew Magoffin	
William Donald Martin	(Don Johnson) (Jim Lane)
Steven Moss	
Mathew Tanner	(Jim Lane)
George Taylor	(Sue Chilton) (Hays Gilstrap)

Chairman Townsend announced that by his count, those that received two or more votes and will advance to the interview are James Ammons, James Carruthers, Lynn Godfrey, Don Martin and George Taylor.

MOTION: Sue Chilton moved and Jim Lane seconded THAT WE INVITE CANDIDATES JAMES AMMONS, JIM CARRUTHERS, LYNN GODFREY, DON MARTIN AND GEORGE ZACH TAYLOR TO OUR INTERVIEW SESSION.

VOTE: Unanimous

CALL TO THE PUBLIC:

There were no requests to speak from the public.

7. Future Meeting Schedule and Locations.

The next meeting will be held at the Arizona Game and Fish Department on Friday, November 8, 2013 at 9:00 a.m. at the Arizona Game and Fish Department, 5000 West Carefree Highway, Phoenix, AZ 85086.

8. Future Agenda Items.

Hays Gilstrap asked if it would be appropriate to discuss the time and timing of the November 8th interviews. Linda Pollock agreed that it falls under process and procedures so they may address that issue. The Board discussed options and decided to allow 35 minutes for each interview, including the candidates opening presentation, and 10 minutes for discussion afterwards.

MOTION: Hays Gilstrap moved and Susan Chilton seconded TO SCHEDULE THE INTERVIEWS AT 35 MINUTES EACH AND 10 MINUTES FOR DELIBERATIONS.

VOTE: Unanimous

The Board proceeded to discussions concerning the interview questions.

Per Linda Pollock, at the 2011 meeting the Board members spent the first 30 minutes deciding what questions would be appropriate for the candidates. Ms. Pollock agreed to a request to send the Board members a list of the interview questions from the prior year.

Susan Chilton stated that in the past, the Chairman would have each Board member ask one question, and then it would proceed around the table again, each asking a second question.

All Board members should arrive at the November 8th meeting with several questions in mind. Upon deliberations, they will narrow them down to avoid redundancy, getting the maximum information with minimum questions.

Susan Chilton believes that more guidance could be provided in the announcement of the opening so that the candidates would have a better understanding of the process and what is required of them. Several applicants this year did not provide much information beyond filling out the form. It would help if they included a letter, had the organizations that they were members of provide comments on their participation, and to distinguish their resume for the application for the open commission position from the resume they would use for a position in their profession.

Phil Townsend agreed but was unsure how much the Board has to say about it as the Governor's office collects the applications and resumes. He said that he would have a conversation with the Governor's office to see if they would post more complete information on the website.

Don Johnson agreed with everything said, particularly Sue Chilton's comments. He said they had 21 applications and 8 or 10 of them were so woefully thin that there was nothing to suggest that the applicant had any preparation or interest or qualifications to be a Game and Fish Commissioner; therefore they did not stand a chance in this first go-around. It would be better if we could communicate in advance that this is the job they are applying for and here is what you should do. The other side of that coin is if they don't understand that they are attempting to become appointed a Game and Fish Commissioner for five years and they don't understand what is involved and what they are expected to do to prepare for it, they are probably not a valid candidate anyway.

Chairman Townsend stated that originally there were 37 or 38 applicants; these 21 were the ones that made it through the Governor's screening process. Some of the disqualifications had to do with invalid registration or county of residence, as well as things like no attached resume.

Linda Pollock suggested, and the Board agreed, to include ARS 17-231 (the statute describing the general powers and duties of the commission) in the letter of invitation to interview and recommend that the candidate be ready to discuss his capability and qualifications as a Game and Fish Commissioner.

MOTION: Don Johnson moved and Sue Chilton seconded THAT THE BOARD VOTE TO ADJOURN THE MEETING

VOTE: Unanimous

The meeting adjourned at 9:34 a.m.

Phillip D. Townsend, Chair

W. Hays Gilstrap

Susan E. Chilton

Don Johnson

W.J. “Jim” Lane

These minutes were telephonically approved on February 28, 2014*